

## IX. STOCKWATER

This chapter describes the procedures unique to the examination of Stockwater Claims. The following elements are discussed:

- A. Flow Rate
- B. Volume
- C. Point Of Diversion And Means Of Diversion
- D. Place Of Use

Other examination procedures for stockwater claims are described in Chapter VI, Claims Examination, and Chapter VII, Irrigation.

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## A. FLOW RATE

The flow rate for stockwater claims is defined as the rate at which water has been diverted from the source. When decreed, stockwater flow rates will be expressed in gallons per minute (gpm) or cubic feet per second (cfs).

1. Identifying Claimed Flow Rate. The identification of claimed flow rates that will be decreed will follow the procedures described under "Irrigation: Flow Rate".

Runoff. During the filing period, some claimants wrote "runoff" on their claim forms to describe the flow rate. Typically this was done for intermittent (non-perennial flowing) sources to describe why no specific flow rate was claimed. The term may have been added as a remark by the department during clarification as "FR01RUNOFF". This remark is no longer needed and should be deleted during examination.

2. Examining Claimed Flow Rate. The claimed flow rate for stock claims will be reviewed according to the claimed means of diversion, using other information in the claim file, and a general flow rate guideline. Information may be gained through claimant contact.

For claimed flow rates that will be decreed, there are two underlying considerations that should be kept in mind. First, has the claimed flow rate actually been diverted? Second, is the claimed flow rate reasonable for the specific purpose? If the answer to either question is no, further information should be pursued to determine what is reasonable and accurate. This thought process should form the basis for examining all claims.

Unique Aspects Or Features. Any unclaimed aspects or features of the flow rate may be identified on the department's examination report using a flow rate remark, e.g., FR01.

Example: F45 FR01ENTIRE FLOW OF THE SOURCE AS DECREED IN CASE NO. 0000, TOOLE COUNTY.

a. Changing Flow Rate. The claimed flow rate will not be changed during examination unless:

- amended by the claimant;
- clarified by the department;
- to standardize units of measure;
- to apply standards (see part 3 below).

Make changes to the claimed flow rate directly on the worksheet. Document changes in the flow rate by checking the appropriate authority for the change, and by writing reasons on the comments line. If the change will result in a difference between the decree abstract and the claim, place an asterisk in the left

margin of the worksheet in the brackets to the left of the flow rate heading.

b. Claimant Contact. For system types receiving a flow rate in the decree, claimant contact may be required. In conjunction with the review criteria in this subchapter, the claimant should also be contacted whenever the claimed flow rate is unclear, has apparent discrepancies, or appears unreasonable. This contact can have several outcomes.

- Information discussed confirms the claimed flow rate. Document the information supporting the claimed flow rate.
- A flow rate different from that claimed is substantiated which the claimant wishes to have replace the claimed data. The claim can be changed by an amendment from the claimant. Document the information used to substantiate the new data.
- If the issue is unresolved, e.g. data is insufficient to confirm the claimed flow rate, add a flow rate issue remark to the department's examination report.

3. Specific Flow Rate Review Criteria. Flow rates for stock water claims will be decreed differently depending upon the type of system involved. This section contains the guidelines for different types of stock watering systems that serve as benchmarks for initiating further department review or claimant contact.

a. Instream Direct, Ditches, Undeveloped Springs, Onstream Reservoirs. A flow rate will not be decreed for stock **drinking directly** from:

- streams and lakes
- undeveloped springs
- onstream reservoirs
- system employing a headgate and/or ditch
- any of the above used in combination with wells, developed springs, pumps, gravity flow pipelines or offstream reservoirs.

For purposes of examining this element, springs will be presumed undeveloped, unless claimed or documented as developed (involving man-made work).

Change the flow rate on the worksheet to zero (0.00) and place an asterisk in the brackets to the left of the flow rate heading. The following remark will be added by the computer to the flow rate area of the decree abstract.

NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

(NOTE: This remark will not be stored in the computer.)

If an onstream reservoir is associated with the claim, the computer will add the following remark instead of the remark referenced above:

NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

(NOTE: This remark will not be stored in the computer.)

b. Wells, Developed Springs, Pumps, Gravity Flow Pipelines. Claims that will be decreed a flow rate (claimed, clarified, or amended) will be those for:

- wells
- pumps and gravity flow pipelines
- developed springs
- offstream reservoirs
- rates formerly decreed specifically for stock use.

A spring will be considered "developed" if documentation indicates a development of the spring that appropriates groundwater. Refer to "Claim Examination: Source Name: Springs" for guidelines.

The guideline for reviewing these claims is 35 gpm. Claimed flow rates of 35 gpm or below will generally be accepted, but may be reviewed further if there is an apparent error or conflicting data.

When a claimed flow rate exceeds the 35 gpm guideline, the claim file will be reviewed for data supporting the claimed flow rate, such as

- horsepower of pumping unit
- length, diameter, and head of gravity flow pipeline
- well pumping depth (i.e., "head" or vertical lift)
- pump make and model
- test data (well log information)
- flow rate measurements or records

When a claimed flow rate for a pump appears in error, conflicts with pump data in the claim file (such as the pump rate at Means of Diversion), or exceeds the 35 gpm guideline, and there is insufficient information in the claim file to substantiate the claimed flow rate, a "Request for Pump Information" questionnaire (Exhibit VII-3) or "Request for Gravity Flow Pipeline Information" questionnaire (Exhibit VII-5) should be pursued. The preferred approach would be a personal or telephone interview. Another approach is to send the questionnaire and a cover letter (Exhibit IV-8) to the claimant. When questionnaires are returned, follow the procedures described in "Claimant Contact" above.

If claimant contact confirms a flow rate greater than the 35 gpm guideline, add a "KEEP" flag to worksheet. This will suppress any 'error/warning' messages and explain why a flow rate issue remark was not necessary.

If contact is inconclusive, or the claimed flow rate is confirmed but exceeds three times the 35 gpm guideline, add a remark to the department's examination report.

Examples: F205 FR51THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

F210 FR51THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE. AVAILABLE DATA SUPPORT A FLOW RATE OF 24 GPM.

c. Offstream Reservoirs. The flow rate for offstream reservoirs where control of the reservoir is part of the right will be decreed as claimed, clarified, or amended. The guideline for reviewing these claims will be the capacity of the diversion or delivery system, whichever is less. If available information is inadequate to determine or estimate the capacity of the diversion or conveyance system, or the system is shared by more than one claimant, the 35 gpm guideline should be used.

When a claimed flow rate exceeds the capacity of the system, or the 35 gpm guideline, contact the claimant. If contact is inconclusive, add a remark to the department's examination report.

Examples: F135 FR51THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE FACILITIES.

F145 FR51THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. AVAILABLE DATA SUPPORT A FLOW RATE OF 2.50 CFS.

F205 FR51THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

d. Formerly Decreed Flow Rates. A flow rate will be decreed to claims based on flow rates formerly decreed *specifically* for stockwater use.

If the claimed flow rate is greater than the amount historically decreed, contact the claimant. If the issue is not resolved, add a flow rate remark to the department's examination report.

Example: F90 FR51THE CLAIMED FLOW RATE EXCEEDS THE 5 MINER'S INCHES OF WET CREEK DECREED IN CASE NO. 0000, GALLATIN COUNTY.

A formerly decreed flow rate will be compared to the guideline for the type of stock watering system. For claimed amounts exceeding the guideline, contact the claimant. If the issue is unresolved, add an issue remark to the department's examination report.

Flow rates based on a formally decreed right *specifically* for stock will be recorded. When a historically decreed right is found to be exceeded by the combined flow rate of claims based on that right, add a decree exceeded (DE) remark to the department's examination report. See "Irrigation: Flow Rate; Recording Documentation" section.

4. Flow Rate Issues. Any pertinent issues discovered during the examination should be remarked on the department's examination report using a flow rate (FR) remark.

a. Claimed Flow Rate Appears Inadequate. Claimed flow rates that appear excessively low (e.g., 1 gpm or less) require claimant contact unless the submitted documentation clearly indicates that the claimed rate is not an error. Be aware of possible unit of measurement and decimal placement errors. If an error is confirmed by the claimant, the flow rate may be amended. If claimant contact is inconclusive, add the following remark to the department's examination report.

Example: F185 FR51THE CLAIMED FLOW RATE APPEARS TO BE INADEQUATE  
FOR THE CLAIMED PURPOSE.

b. No Flow Rate Claimed. If no flow rate was claimed for a stockwater claim to be decreed a flow rate, e.g., pumps and pipelines, contact the claimant. If a flow rate is not submitted, check that flow rate is "0.00" on the worksheet and add a "KEEP" flag to the right of the flow rate. Add the following remark to the department's examination report:

Examples: F195 FR51NO FLOW RATE HAS BEEN CLAIMED. THE FLOW RATE  
GUIDELINE FOR THIS PURPOSE IS 35 GPM.

F190 FR51NO QUANTIFIED FLOW RATE HAS BEEN CLAIMED.

c. Claimed Flow Rate Not Numerically Quantified.  
Where a flow rate is to be decreed and the claim states the flow rate as "All" or a portion of "All" (e.g., "½ of ALL"), follow the procedures as described in "Domestic: Flow Rate: Claimed Flow Rate Not Numerically Quantified".

## B. VOLUME

The volume for a stockwater claim is the amount of water diverted in a year. Stockwater volumes will be generally described on the decree abstract in gallons per day for each animal unit.

A specific volume figure will not be decreed for stockwater claims except for U.S. government claims to reservoirs and pothole lakes. The procedures for examining stockwater volumes are discussed below according to the type of claimant.

1. All Claims Except U.S. Government Lakes And Reservoirs. A specific volume figure will not be decreed for stockwater claims filed by claimants other than the U.S. Government. A volume will also not be decreed for U.S. Government (e.g., BLM, Fish and Wildlife Service, and Forest Service) claims to all sources and diversion types other than pothole lakes and reservoirs.

Do not examine the claimed volume on such claims. Change the claimed volume on the examination worksheet to "0.00" and place an asterisk in the brackets to the left of the volume heading. The computer will add the following remark to the volume area of the decree abstract.

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

(NOTE: This remark will not be stored in the computer record.)

When the claimed volume for a reservoir is greater than 15 AF, data will be collected and added according to the procedures in Claim Examination: Reservoirs.

2. U.S. Government Lake And Reservoir Claims. A volume will be decreed for stockwater reservoir (either offstream or onstream) and pothole lake claims filed by the U.S. Government (e.g., BLM, Fish and Wildlife Service, or Forest Service). Volumes for these claims are retained and decreed pursuant to the June 17, 1985 Order from the water court. Examine the claimed volumes on U.S. Government stockwater reservoirs and pothole lakes as follows.

When the claimed volume for a reservoir is greater than 15 AF, data will be collected and added according to the procedures in "Claim Examination: Reservoirs".

When the volume is 15 acre-feet or less, it will generally be accepted and a comment should be added to the examination worksheet noting that the volume was not examined. When it is determined that the claimed volume is greater than two times (2X) the capacity of the reservoir or the capacity of the pothole lake, add a volume issue remark to the department's examination report.

If the claimed volume is over 15 acre-feet, cannot be examined using the procedures outlined in this section, and is large enough to raise doubts about being reasonable for this purpose, add a volume issue remark to the department's examination report.

Feasibility Check. U. S. Government claims that will be decreed both a flow rate and a total annual volume should be checked for feasibility. Comparison statistics under volume on the examination worksheet list the maximum volume possible if water were diverted at the claimed flow rate throughout the claimed period of use (year round use equals 366 days). Compare this figure to the claimed volume. When the claimed flow rate or period of use has been amended recalculate the maximum feasible volume figure using the following equations.

- For cfs: Feasible V = Q x days used x 1.9834711
- For gpm: Feasible V = (Q x days used)/226.28542

Contact the claimant when the claimed volume exceeds the maximum feasible volume. Flow rate, volume, and period of use should be discussed with the claimant in order to determine which is in error.

When claimant contact does not resolve the problem, the computer will add a volume issue remark to the department's examination report.

Example: VM51THE CLAIMED VOLUME EXCEEDS MAXIMUM FEASIBLE VOLUME.  
BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM  
VOLUME POSSIBLE IS 3.20 ACRE-FEET PER YEAR.

3. Formerly Decreed Volume. A volume will be decreed to claims based on volume formerly decreed *specifically* for stockwater. Add a volume remark to the department's examination report.

Example: V10 VM01THIS VOLUME WAS PREVIOUSLY DECREED IN CASE NO.  
0000, MEAGHER COUNTY.

If the claimed volume is greater than the amount historically decreed, contact the claimant. If the issue is not resolved, add a volume remark to the department's examination report.

Example: V30 VM51THE CLAIMED VOLUME EXCEEDS THE 50 ACRE-FEET  
DECREED IN CASE NO. 0000, GALLATIN COUNTY.

A formerly decreed volume will be compared to the guideline for the type of stock watering system. For claimed amounts exceeding the guideline, contact the claimant. If the issue is unresolved, add an issue remark to the department's examination report.

Volumes based on a formally decreed right *specifically* for stock will be recorded. See "Irrigation: Flow Rate; Recording Documentation" section. When a historically decreed right is found to be exceeded by the combined volume of claims based on that right,



add to the department's examination report a decree exceeded (DE) remark modified to refer to volume and acre-feet.

4. Volume Issues. Any pertinent issues discovered during the examination should be remarked on the department's examination report using a volume (VM) remark.

a. Volume Excessive. When a claimed volume that will be decreed appears excessive for the circumstances of the claim (diversion, conveyance, or use) and claimant contact has been inconclusive, add an issue remark to the department's examination report.

Examples: V40 VM51THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 2.9 TIMES THE CAPACITY OF THE RESERVOIR.

V77 VM51VOLUME APPEARS TO BE EXCESSIVE FOR A BUCKET MEANS OF DIVERSION.

V100 VM51THE CLAIMED VOLUME APPEARS TO/MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

V105 VM51THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. AVAILABLE DATA SUPPORT A VOLUME OF 2.30 ACRE-FEET.

\*\*\*\* VM51THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 63 GPD PER ANIMAL UNIT.

V111 VM51THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA.

b. Claimed Volume Appears Inadequate. If the claimed volume, for a right to be decreed a volume, appears inadequate for the claimed use or compared to available data, contact the claimant. Volumes should not be raised arbitrarily through claimant contact to the guidelines. The guidelines are strictly a tool to trigger the need for further review. The volume should be based on a reasonable number of animal units and reasonable number of 24-hour days. If the volume is amended, the new volume figure should be checked as reasonable compared to the number of hours per day required to deliver the volume.

If claimant contact is inconclusive, add the following remark to the department's examination report.

Example: V45 VM51THE CLAIMED VOLUME APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

c. No Volume Claimed. If no volume was claimed for a right to be decreed a volume, contact the claimant. If a

volume is not submitted, check that the volume is expressed as "0.00" on the worksheet and add a "KEEP" flag to the right of the volume. Add the following remark to the department's examination report.

Examples: V90 VM51NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS PURPOSE IS 2.00 ACRE-FEET PER YEAR.

V95 VM51NO VOLUME HAS BEEN CLAIMED.

d. Claimed Volume Not Numerically Quantified.

When a claimed volume states "All" or a portion of "ALL" (e.g. "½ of ALL") for a right to be decreed a volume, follow the procedures as described in "Domestic: Volume: Claimed Volume Not Numerically Quantified".

## C. POINT OF DIVERSION AND MEANS OF DIVERSION

1. Point Of Diversion. Most examination procedures for the point of diversion are described in "Claim Examination: Point of Diversion."

The point of diversion (POD) for stockwater use is defined as the location where water is diverted from the source. The place of use for stockwatering is defined as where the stock drink the water. As a result, each POD legal land description for stock drinking directly from the source should have a corresponding and identical POU legal land description.

When reviewing claims to stock drinking directly from a source, it may be necessary to change the POU or POD legal land descriptions to make them identical. Changes in legal land descriptions may be based on the claimant's map, USGS maps, or an aerial photograph. Conflicting data or a confusing claim file may make it necessary to contact the claimant for clarification.

Ditch Direct With Headgate. Some stockwater claims combine diversion methods, such as a headgate and ditch with stock drinking directly from the ditch. The point of diversion land description will be the location of the headgate (or where the ditch diverts water from the source). The POD land description will usually not be identical to the POU land description on such claims.

2. Means Of Diversion. Most examination procedures for the means of diversion are described in "Claim Examination: Means of Diversion." These procedures include making the means of diversion codes consistent with other claims using the same diversion. Because the stockwater claim form offers a different set of diversion choices than the irrigation claim form, there are a number of means of diversion inconsistencies involving stockwater and irrigation claims. Special attention should be paid to means of diversion consistency when reviewing stockwater claims.

The means of diversion for stock drinking directly only from an onstream reservoir should be "DM" to identify the dam as the means of diversion. If stock are drinking from stream channels above or below the reservoir as well as from the reservoir itself, the means of diversion should be "DM" for the reservoir point of diversion and "LS" for the stock drinking direct diversion.

3. Changing Point Of Diversion And Means Of Diversion. In addition to the authorized changes stated in "Claim Examination: Point Of Diversion" and "Means Of Diversion," the claimed POD or means of diversion on stockwater claims may be changed by the department during the examination to make POD and POU identical for direct instream use.

Authorized changes may be made directly on the worksheet. When the claimed POD or means of diversion is changed so that the decree abstract will differ from the claim form or amendment, make a

notation of the change by placing an asterisk in the left brackets at the margin of the worksheet next to the change. An exception to using an asterisk is a change from "LS" to "DM". This change only requires a check mark in the blank at the left margin of the worksheet.

#### D. PLACE OF USE (POU)

The place of use (POU) for stockwater claims is where the stock drink the water. No acreage figure will be associated with a stockwater place of use. If an acreage figure appears on the abstract, it should be crossed out.

Procedures for identifying stockwater places of use are mostly similar to those for irrigation places of use as described in "Irrigation: Place of Use."

Places of use for stock drinking directly from the source ("instream" use) will be identical to the POD. It may be necessary to change the POD or POU on such claims to make them identical. Such changes can be made without claimant contact, directly on the examination worksheet. When the claimed POU is changed, make a notation of the change by placing an asterisk in the left margin of the worksheet next to the change.

Overlapping Ownership. The stockwater place of use will not be recorded on mylar. As a result, there is no systematic method of identifying overlapping ownerships involving stock claims or a stock and irrigation claim. If an ownership overlap situation is detected, refer to "Irrigation: Place of Use: Place of Use Issues" section for appropriate procedures.

Supplemental Rights. No review for or identification of supplemental relationships will be made for stockwater claims.

